IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION Nos.9088, 9089,9090,9092, 9632, 9674, 9677, 9678, 9679,9680,9693,9694 9696, 9796, 9800 & 10177 of 2004

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W.P. No.9088 of 2004

Between:

G.V. Ramana Reddy S/o Ganga Reddy
Owner of M/s. Sri Laxmi Wines, Dharpally, R/o Dhammannapet, Dharapally Mandal, Nizamabad District.

..... PETITIONER

AND

1. The Prohibition & Excise Superintendent, Nizamabad, Nizamabad District.
2. The Mandal Revenue Officer, Dharpally Mandal, Nizamabad District.
3. The Station House Officer, Prohibition & Excise Bheemgal Police Station, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the notice in RC. NO. E2/284/2004 dt. 31-3-2004 and the proceedings in CR. No. B2/284/2004 dt. 29-4-2004 both issued by the 1st Respondent and 3rd respondent herein as illegal, arbitrary and against the principles of natural justice and malafide and set a side the same.

Counsel for the Petitioner:MR.V.TULASI REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W. P. No.9089 of 2004:

Between:

G.Thirupathy Reddy, S/o.Balaiah,Owner of Sri Venkaterswara Wines R/o.Dharpally Village & Mandal, Nizamabad District.

..... PETITIONER

AND

1 The Prohibition & Excise Superintendent, Nizamabad Dist.
2 The Mandal Revenue officer, Dharpally, Nizamabad Dist.
3 The Station House officer, Prohibition & Excise police station, Bheemgal P.S., Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the notice dt.31-3-2004 issued in RC.No.E2/284/2004 of the 1st respondent and the proceedings dt.29-4-2004 issued under Revenue Recovery Act Appendix-II Standing order No.41 of A.P.Revenue Recovery Act No.11/1964 of the 3rd Respondent, as illegal, arabitrary, malafide and against principles of natural justice and set-aside the same and pass.

Counsel for the Petitioner:MR.V.TULASI REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9090 OF 2004

Between:

G.Manohar Reddy, S/o Ganga Reddy, Owner of M/s Sri Krupa Wines, Dharpally, R/o Dharpally Village & mandal, Nizamabad District.

..... PETITIONER

AND

1 The Prohibition & Excise Superintendent, Nizamabad, Nizamabad District.
2 The Mandal Revenue Officer, Dharpally Mandal, Nizamabad District.
3 The Station House Officer, Prohibition & Excise Police Station, Bheemgal, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the notice dated 31-3-2004 issued in RC.No.E2/284/2004 issued by the 1st respondent herein, as illegal, arbitrary, malafide and against the principles of natural justice and consequently set-aside the same

Counsel for the Petitioner: MR.V.TULASI REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9092 OF 2004

Between:

K.Raja Babu S/o Balaiah
M/s Balaji Wines, Dharpally Dharpally Village & Mandal
Nizamabad dist

..... PETITIONER

AND

1 The Prohibition & Excise Superintendent, Nizamabad District, Nizamabad
2 The Mandal Revenue Officer Dharpally Mandal, Nizamabad Dist
3 The Station House Officer Prohibition & Excise Police Station Bheemgal, Nizamabad Dist

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particulalry one in the natural of Writ of Mandamus, declaring the notice dt. 31/03/2004 issued in Rc.No.E2/284/2004 by the 1st Respondent herein, as illegal, arbitary, malafide and agaist the principles of natural justice and set aside the same,

Counsel for the Petitioner: MR.V.TULASI REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9632 OF 2004

Between:

Draksharam Soma Sekhar Rao, S/o Vydyanadham,
R/o Perecherla Village, Medikonduru Mandal, Guntur District
Licencee of M/s Sri Brindavan Wines

..... PETITIONER

AND

1 Government of Andhra Pradesh, Revenue (Excise II) Department, Secretariat, Hyderabad rep.by its Principal Secretary
2 The Commissioner of Prohibition and Excise, Andhra Pradesh, Nampally, Hyderabad.
3 The Prohibition and Excise Superintendent, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No.189/2004/B2 dated 1-6-2004 as illegal, arbitrary and contrary to the provisions of the A.P.Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNATHA RAO

Counsel for the Respondents : GP FOR PROHIBITION & EXCISE

W.P.NO.9674 OF 2004

Between:

Kalvapalli Sambi Reddy, s/o Venkateswara Reddy,
r/o Krosuru Village, Guntur District Licencee of M/s.Lakshmi Srinivasa Wines

..... PETITIONER

AND

1 Government of Andhra Pradesh, Revenue (Excise.II) Department, Secretariat, Hyderabad rep., by its Principal Secretary.
2 The Commissioner of Prohibition and Excise, Andhra Pradesh, Nampally, Hyderabad.
3 The Prohibition and excise Superintendent, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No.189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P.Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9677 OF 2004

Between:

Kalvapalli Basivi Reddy, S/o Narisi Reddy,
R/o Krosuru village, Guntur District

Licencee of M/s Srinivasa Wines

..... PETITIONER

AND

1 Government of Andhra Pradesh, Revenue (Excise II) Department, Secretariat, Hyderabad, rep. by its Principal Secretary.
2 The Commissioner of Prohibition and Excise, Andhra Pradesh,Nampally, Hyderabad.
3 The Prohibition and Excise Superintendent, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's

licence by his proceedings Rc.No. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder .

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9678 OF 2004

Between:

Bobbala Ramachandra Reddy, S/o. Anki Reddy,
R/o. Nakarikallu Village, Guntur District. Licencee of M/s.
Tirumala Wines

..... PETITIONER

AND

1 Government of Andhra Pradesh Revenue (Excise II) Department,
Secretariat, Hyderabad. rep by its Principal Secretary
2 The Commissioner of Prohibition and Excise Andhra Pradesh,
Nampally, Hyderabad.
3 The Prohibition and Excise Superintendent Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction, declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9679 OF 2004

Between:

Kondaveeti Srinivasa Rao, S/o.Narayana,
R/o.Krosuru Village, Guntur District. Licencee

Of M/s Venkata Balaji Wines.

..... PETITIONER

AND

1 Govt.of A.P.,Revenue (Excise II) Department Secretariat,
Hyderabad. rep. by its Principal Secretary.
2 The Commissioner of Prohibition & Excise A.P., Nampally,
Hyderabad.
3 The Prohibition & Excise Superintendent, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No.189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9680 OF 2004

Between:

Pamulapati Venkateswara Rao, S/o. Rama Rao,
R/o. Perecherla Village, Medikonduru Mandal, Guntur District.
Licencee of M/s. Sri Balaji Brandy Shop

..... PETITIONER

AND

1 Government of Andha Pradesh Revenue (Excise II) Department
Secretariat, Hyderabad. rep by its Principal Secretary
2 The Commissioner of Prohibition and Excise Andhra Pradesh,
Nampally, Hyderabad.
3 The Prohibition and Excise Superintendent Guntur

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.NO. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

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W. P. NO : 9693 of 2004

Between:

Darapaneni Peda Chenna Kesavulu,
R/o. Perecherla Village, Medikonduru Mandal, Guntur District.
Licencee of M/s. Sri Lakshmi Sai Wines.

..... PETITIONER

AND

1 Government of Andhra Pradesh Revenue (Excise II) Department, Secretariat, Hyderabad Rep. by its Principal Secretary.

2 The Commissioner of Prohibition and Excise Andhra Pradesh, Nampally, Hyderabad.

3 The Prohibition and Excise Superintendent, Guntur.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate Writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P.Excise Act and the rules made thereunder and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W. P. NO : 9694 of 2004

Between:

Suragani Subba Rao S/o. Kasaiah

Resident of Duggirala Village, Duggirala Mandal, Guntur District
Licencee of M/s Krishna Wines.

..... PETITIONER

AND

1 Government of Andhra Pradesh Revenue (Excise II)
Department, Secretariat, Hyderabad rep. by its Principal
Secretary.
2 The Commissioner of Prohibition and Excise A.P. Nampally,
Hyderabad
3 The Prohibition and Excise Superintendent, Guntur

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No.189/2004/B2 dated 1.6.2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADA RAO

Counsel for the Respondents.: GP FOR PROHIBITION & EXCISE

W.P.NO.9696 OF 2004

Between:

Marri Subba Reddy, S/o Narsi Reddy,
R/o Atchempet village, Guntur District
Licencee of M/s Velangini Matha Wines.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Revenue (Excise II)
Department, Secretariat, Hyderabad, rep.by its Principal
Secretary.
2 The Commissioner of Prohibition and Excise, Andhra Pradesh,
Nampally, Hyderabad.
3 The Prohibition and Excise Superintendent, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc.No. 189/2004/02 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder .

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

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W.P.NO.9796 OF 2004

Between:

K. Venkateswara Rao S/o Dharama Rao
R/o Kathevaram Village Tenali Mandal, Guntur District
Licencee of M/s. Sri Sai Wines

..... PETITIONER

AND

1 Government of Andhra Pradesh Revenue (ExciseII) Department Secretariat, Hyderabad rep by Principal Secretary
2 The Commissioner of Prohibition and Excise Andhra Pradesh, Nampally, Hyderabad
3 The Prohibition and Excise Superintendent Guntur

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc. No. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.9800 OF 2004

Between:

M. Srinivasa Rao S/o Poornaiah
R/o Tyalluru Village Krosuru Mandal, Guntur District Licencee of M/s. Srinivasa Wines

..... PETITIONER

AND

1 Governmet of Andhra Pradesh Revenue (Excise II) Department Secretariat, Hyderabad rep by Principal Secretary
2 The Commissioner Prohibition and Excise Andhra Pradesh, Nampally, Hyderabad
3 The Prohibition and Excise Superintendent Guntur

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his proceedings Rc. No. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

W.P.NO.10177 OF 2004

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Between:

Devireddy Venkataramana Reddy, S/o. Rami Reddy,
R/o. Kondamodu Village, Rajupalem Mandal, Guntur District Licencee of M/s. Sri Venkateswara Wines

..... PETITIONER

AND

1 Government of A.P. Revenue (Excise-II) Department Secretariat, Hyderabad. rep by its Principles Secretary

2 The Commissioner of Prohibition and Excise A.P. Nampally, Hyderabad.
3 The Prohibition and Excise Superintendent Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the show cause notice issued by the 3rd respondent in proposing to cancel the petitioner's licence by his Proceedings Rc.No. 189/2004/B2 dated 1-6-2004 as illegal arbitrary and contrary to the provisions of the A.P. Excise Act and the rules made thereunder.

Counsel for the Petitioner: MR.A.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

COMMON ORDER

The question involved in these Writ Petitions have already been decided by this Court in a batch of cases in W.P.No.7516 of 2004 and batch dated 29-11-2004.

Therefore, following the same, these Writ Petitions are dismissed. No costs.

01-12-2004.

Hsd

Asst. Registrar.

To

1 The Principal Secretary, Government of A.P. Revenue (Excise-II) Department Secretariat, Hyderabad.

2 The Commissioner of Prohibition and Excise A.P. Nampally, Hyderabad.

3 The Prohibition and Excise Superintendent Guntur.

4.. The Prohibition & Excise Superintendent, Nizamabad, Nizamabad District.

5. The Mandal Revenue Officer, Dharpally Mandal, Nizamabad District.

6.The Station House Officer, Prohibition & Excise, Bheemgal Police Station, Nizamabad District.

7. 2CCs to the GP for Prohibition and Excise, High Court Buildings, Hyderabad (OUT).

8. 2CD copies.